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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-08-0405 CW
)	
Plaintiff,)	AMENDED STIPULATED REQUEST TO
)	VACATE HEARING DATE TO
v.)	OCTOBER 1, 2008 AND TO EXCLUDE
)	TIME UNDER THE SPEEDY TRIAL ACT
ANTONIO ROYAL,)	
a/k/a Antonio Royale,)	Date: September 3, 2008
a/k/a "Tone Royal,")	Time: 2:00 p.m.
)	Court: Hon. Claudia Wilken
Defendant.)	

The above-captioned matter is set on September 3, 2008 for an initial appearance before this Court for trial setting. The parties request that the Court continue the hearing to October 1, 2008 at 2:00 p.m. and that the Court exclude time under the Speedy Trial Act between September 2, 2008 and October 1, 2008.

Defendant Antonio Royal was arraigned in the above-captioned matter on August 6, 2008. The government produced discovery to counsel for defendant on August 7, 2008. On August 11, 2008, defendant requested additional discovery from the government. In response, the government produced additional discovery to defendant on August 27, 2008. Additionally, counsel for defendant was out of the office for two weeks starting on Wednesday, August 13,

2008. Defendant, therefore, requires additional time to review the discovery produced by the government, to investigate this matter, and to effectively prepare for the hearing taking into account the exercise of due diligence. The extension is not sought for delay. The parties agree the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. Therefore, the parties further stipulate and request that the Court exclude time between the date of this stipulation and October 1, 2008 under the Speedy Trial Act for effective preparation of counsel, continuity of counsel, and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

DATED: September 2, 2008

/s/

JAMES C. MANN
Assistant United States Attorney
Counsel for United States

/s/

REBECCA SILBERT
Assistant Federal Public Defender
Counsel for Antonio Royal

1 account the exercise of due diligence. For these stated reasons, the Court finds that the ends of
2 justice served by granting the continuance outweigh the best interests of the public and the
3 defendant in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §
4 3161(h)(8)(B)(iv),

5 **IT IS HEREBY ORDERED** that the status hearing in this matter is moved from
6 September 3, 2008 to October 1, 2008 at 2:00 p.m., and that time between September 2, 2008
7 and October 1, 2008 is excluded under the Speedy Trial Act to allow for the effective preparation
8 of counsel, taking into account the exercise of due diligence, and continuity of counsel.

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10 DATED: _____

11 HON. CLAUDIA WILKEN
12 United States District Judge
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